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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,719	01/19/2000	Opher Goddard	1905/2	3492

7590 11/26/2002

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EXAMINER

MCCLELLAN, JAMES S

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 11/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/487,719

Applicant(s)

GODDARD, OPHER

Examiner

James S McClellan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,21-35 and 51-90 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-20 and 36-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I (claims 1-68) and Species B (generic claims and claims 3, 36-50 in Paper No. 5 (10/9/02) is acknowledged.

Therefore, claims 1-90 are pending and claims 2, 4, 21-35, 51-90 are withdrawn as being directed to a non-elected group or species. It is noted that within Group I, claims 1 and 5-20 are generic. Claims 1, 3, 5-20, and 36-50 are directed to the elected group and species will be examined.

Information Disclosure Statement

2. The information disclosure statement filed on September 7, 2000 is acknowledged. It is noted that most of the printed publications were not considered because the publication date was missing as required by 37 CFR 1.98 and MPEP § 609. A signed copy of the PTO-1449 indicating the considered publication is attached.

3. The supplemental information disclosure statement filed on May 10, 2001 is acknowledged. All references were considered as indicated on the signed PTO-1449.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, all features must be shown or the feature(s) canceled from the claim(s). Applicant submitted a single drawing that merely shows a

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server and three clients. Applicant's drawings fail to show the detailed limitations found in claims 1, 3, 5-20 and 36-50. For example, Applicant fails to show shopping group information. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 1, 12, 14, and 20 are objected to because of the following informalities:

in claim 1, line 12, "**users**" should be replaced with **--user clients--**;

in claim 12, line 2, "**information__n**" should be replaced with **--information--**;

in claim 14, line 1, "**whersaid**" should be replaced with **--wherein said--**; and

in claim 20, line 2, "**operati**" should be replaced with **--operating--**.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1, 3, 5-20, and 36-50 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,418,415 (Walker et al.).

In regards to independent **claim 1**, Walker et al. discloses a system for facilitating aggregate shopping, the system comprising: **(a)** a database server (200) being for maintaining at least one shoppers group ("forms groups"; see column 3, lines 10-15), said at least one shoppers group being characterized by a designated product ("goods and services"; see column 1, lines 15-20) and conditions for purchasing said designated product (see column 3, lines 31-37); **(b)** a plurality of user clients (410, 411, 412), being at a disposal of a plurality of users and being capable of communication with said database server system (200), each of said plurality of user clients (410, 411, 412) being for enabling a respective user thereof to join said at least one shoppers group, such that a user of said plurality of user clients (410, 411, 412) is entitled to purchase said designated product under said conditions for purchasing said designated product upon joining said at least one shoppers group; **[claim 3]** said at least one shoppers group is established by an operator of said database server system (see column 3, lines 7-10); **[claim 5]** said plurality of user clients (410, 411, 412) communicate with said database server system (200) via communication mode selected from the group consisting of dialup communication and local area network communication ("communication links...connected via an Internet connection

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using a public switched telephone network”; see column 8, lines 22-31); **[claim 6]** said at least one shoppers group is maintained by said database server system for a predetermined period of time (“periodically execute”, see column 8 lines 4-5); **[claim 7]** said user can join said at least one shoppers group only during said predetermined period of time (inherent feature); **[claim 8]** a user is entitled to purchase said designed product following termination of said predetermined period of time (inherent feature); **[claim 9]** conditions for purchasing said designated product are determined as a function of the number of members with said at least one shoppers group at any time point either during said predetermined time period or following termination of said predetermined time period (“buyers can pay the average price”, average price is determined by a function of the total number of participants, see column 5, lines 8-10); **[claim 10]** said database server system (200) stores and provides on demand to each of said user clients information pertaining to said at least one shoppers group (see column 5, lines 32-35); **[claim 11]** information pertaining to said at least one shoppers group includes information on said designated product and to said conditions for purchasing said designated product (it is inherent that at least some information will be available about a product); **[claim 12]** information pertaining to said at least one shoppers group includes information on a number of members of said at least one shoppers group (see column 5, lines 19-35); **[claim 13]** information pertaining to said at least one shoppers group includes information on each member of said members of said at least one shoppers group (see column 5, lines 32-35); **[claim 14]** conditions for purchasing said designated product include price of said designated products and terms of payment (“minimum price”, see paragraph bridging columns 6 and 7); **[claim 15]** said designated product is a specific product from a specific manufacturer (inherent); **[claim 16]** said designated product is a service (“services”, see

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column 29-31, for example insurance); **[claim 17]** wherein said designated product is characterized by a specification (inherent); **[claim 18]** said designated product includes a plurality of specific products bundled together as a single product package (for example automobiles cited in column 6, line 14, include a plurality of specific products bundled together); **[claim 19]** each of said plurality of user clients (410, 411, 412) is a computer (see column 10, lines 40-59) operating a web browser (inherent) and further said database server system (200) is in communication with the World Wide Web ("connected via the Internet"; see column 8, line 25); **[claim 20]** each of said user clients is a computer operating a dedicated software program (see column 7, lines 60-62). Since **claims 36-50** are substantially similar to the limitations addressed above for claims 16-20, the Examiner will not burden this Office Action with a redundant detailed analysis.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Brown is cited of interest for disclosing a method for conducting an on-line auction with bid pooling.

Carter, III is cited of interest for disclosing an apparatus for pricing products in multi-level product and organizational groups.

Shkedy is cited of interest for disclosing an apparatus for facilitating buyer-driven aggregated purchase orders on a network.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

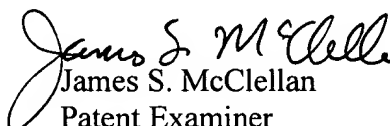
Any response to this action should be mailed to:

Commissioner of Patent and Trademarks
Washington D.C. 20231

or faxed to:

(703) 305-7687 (Official communications) or
(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington, VA, 7th floor receptionist.


James S. McClellan
Patent Examiner
A.U. 3627

jsm
November 19, 2002